



### CHAPTER ccxl.

An Act to extend the time for the construction of certain waterworks authorised by the Heywood Waterworks Act 1877 to vest the water undertaking of the Heywood Corporation in a Joint Board and for other purposes. A.D. 1898.

[12th August 1898.]

**W**HEREAS the mayor aldermen and burgesses of the borough of Heywood (in this Act called "the Heywood Corporation") are the owners of certain waterworks and are under the powers of various Acts of Parliament the owners of a water undertaking and are empowered to supply water within the boroughs of Heywood and Middleton and neighbourhood :

And whereas the Heywood Corporation are empowered to construct a reservoir authorised by the Heywood Waterworks Act 1877 and therein described as Reservoir No. 1 and a certain catchwater drain and conduit connected therewith and the period limited by that Act as extended by the Heywood Corporation Act 1889 will expire on the fifth day of July one thousand eight hundred and ninety-nine and it is expedient that the time so limited should be extended :

And whereas negotiations between the Heywood Corporation and the mayor aldermen and burgesses of the borough of Middleton (in this Act called "the Middleton Corporation") have resulted in an agreement for the constitution of a Joint Board consisting of representatives of the borough of Heywood and of the borough of Middleton and for the transfer to and management by such Board of the water undertaking of the Heywood Corporation upon and subject to the terms conditions and provisions in this Act contained :

And whereas it is expedient that effect be given to such agreement and that the further powers contained in this Act be conferred on the Joint Board :

And whereas it is expedient that the Joint Board be authorised to borrow money for the purposes of this Act :

[Ch. ccxl.] *Heywood Waterworks (Transfer)* [61 & 62 VICT.]  
Act, 1898.

A.D. 1898.

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

And whereas estimates have been prepared by the Heywood Corporation for the following purposes (namely) :—

For the execution of the works authorised by the	£
Heywood Waterworks Act 1877 and not yet made	- 55,000
For strengthening the embankment of the Nayden	
higher reservoir	- 10,000

And whereas the works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the council of the borough of Heywood at a meeting held on the twenty-fourth day of November one thousand eight hundred and ninety-seven after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Heywood Advertiser a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate :

And whereas such resolution was published twice in the said Heywood Advertiser and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council of the borough of Heywood at a further special meeting held in pursuance of a similar notice on the thirtieth day of January one thousand eight hundred and ninety-eight being not less than fourteen days after the deposit of the Bill for this Act in the Offices of the Houses of Parliament :

And whereas the owners and ratepayers of the borough of Heywood by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas since the deposit of the Bill for this Act an additional provision was made thereto which has received the consent of the council and of the owners and ratepayers of the borough of Heywood and also of the council and the owners and ratepayers of the borough of Middleton in manner similar to the original Bill :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and

Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):— A.D. 1898.

*Preliminary.*

1. This Act may be cited as the Heywood Waterworks (Transfer) Act 1898. Short title;

2. The following provisions of the Commissioners Clauses Act 1847 are (except where inconsistent with or expressly varied by this Act) incorporated with and form part of this Act (that is to say):— Commis-  
sioners  
Clauses Act  
incorporated.

With respect to the meetings and other proceedings of the Commissioners and their liabilities (except sections 45 46 48 and 52);

With respect to the contracts to be entered into and the deeds to be executed by the Commissioners;

With respect to the liabilities of the Commissioners and to legal proceedings by or against the Commissioners;

With respect to the appointment and accountability of the officers of the Commissioners;

With respect to the making of byelaws;

With respect to giving notices and orders;

With respect to the recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices;

With respect to access to the special Act.

3. The several words and expressions to which by the Commissioners Clauses Act 1847 meanings are assigned shall in this Act have the same respective meanings unless the context otherwise requires. Interpreta-  
tion. Provided that in the provisions of that Act incorporated with this Act for the purposes of this Act—

“The Commissioners” means the Board:

And in this Act unless the context otherwise requires—

“The Board” means the Heywood and Middleton Water Board incorporated by this Act;

The “existing water undertaking” means the water undertaking of the Heywood Corporation as authorised and existing immediately before the transfer effected by this Act and includes all lands buildings hereditaments moneys and other property real and personal (including things in action) and all powers rights and privileges belonging to vested in or enjoyed by the Heywood Corporation or any person on their behalf exclusively for the purposes of or as part of the said undertaking;

A.D. 1898.

“The scheduled Acts” mean the Acts and Order confirmed by Act of Parliament enumerated in the First Schedule to this Act.

Limits of supply.

4. The limits of this Act for the supply of water shall be the same as those of the Heywood Corporation immediately before the passing of this Act.

*Establishment of Joint Board.*

Constitution of Board.

5. For the purposes of this Act there shall be a Joint Board constituted of six representatives of the borough of Heywood and of six representatives of the borough of Middleton.

Incorporation of Board.

6.—(1) The Board thus constituted shall be a body corporate by the name of the Heywood and Middleton Water Board (in this Act referred to as “the Board”) with perpetual succession and a common seal and with power to hold land for the purposes of their constitution without any licence in mortmain and to dispose of land.

(2) No act or proceeding of the Board or of any committee appointed by the Board shall be questioned on account of any vacancy in their body.

First election of members.

7.—(1) The council of each of the boroughs of Heywood and Middleton at a meeting to be held within two months from the passing of this Act or within such further time as the Local Government Board shall by order allow shall elect six persons (who may or may not be members of the council) to be members of the Board.

(2) In the case of the first election the town clerk of each borough shall return the names of the members elected by his council to the town clerk of the other borough.

Term of office and rotation of members.

8.—(1) Except with regard to the first members of the Board the term of office of a member shall be three years.

(2) On the day previous to the annual meeting in each year two members elected by the council of the borough of Heywood and two members elected by the council of the borough of Middleton shall go out of office and except with regard to the first members of the Board the members to go out of office shall as respects each borough be those who have been longest in office without re-election.

(3) At the first election of members of the Board the council of each of the boroughs of Heywood and Middleton shall by resolution determine which two of the members elected by them

respectively shall go out of office at the end of the first year and which two members shall go out of office at the end of the second year and which two members shall go out of office at the end of the third year. A.D. 1898.

(4) In the month of September in every year after the year one thousand eight hundred and ninety-eight the council of each of the boroughs of Heywood and Middleton shall elect two members of the Board in place of the two members going out of office and the town clerk of each borough shall return the names of the members elected by his council to the clerk of the Board.

(5) A member going out of office is eligible for re-election.

9. The Board shall hold their first meeting at the Municipal Buildings in the borough of Heywood on the third Wednesday in October one thousand eight hundred and ninety-eight at twelve at noon unless some other day or time or place shall be appointed for the purpose by the Local Government Board and then on such day and at such time and place as shall be so appointed. First meeting of Board.

10. A member of the Board shall not be interested either in his own name or in the name of any other person in any contract entered into or work done for the Board and shall not derive any profit or emolument whatsoever from the funds of the Board. Members not to be interested in contracts &c.

This provision shall not extend to any interest which a member of the Board may have by reason of his being a shareholder of a company which has entered into any contract with or done any work for the Board but he shall not vote in respect of any such contract or work.

11. A member of the Board may resign his office by notifying in writing his intention so to do to the chairman or clerk of the Board for the time being. Resignation of member.

12. A person shall not be qualified to be a member of the Board unless he is qualified to be a member of the council of the borough of Heywood or of the borough of Middleton And if any member becomes disqualified he shall cease to be a member of the Board. Qualification of members.

13. Any casual vacancy in the Board occurring by death resignation disqualification or otherwise shall be filled up by the council by whom the vacating member was originally chosen as soon as reasonably practicable after the occurrence of the vacancy but a member so elected shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred. Casual vacancies.

A.D. 1898.

Notice of an election under this section shall be forthwith sent to the clerk of the Board by the clerk of the council making the election.

Chairman  
and vice-  
chairman.

14. At their first meeting and subsequently at their annual meeting in each year the Board shall appoint one of their number to be chairman and another to be vice-chairman of the Board for the ensuing year.

The first chairman shall be appointed from the Heywood representatives and the first vice-chairman from the Middleton representatives and thenceforward the chairman and vice-chairman respectively shall (unless otherwise agreed by the majority of the representatives of the borough entitled to the appointment) be appointed alternately from the Middleton and the Heywood representatives respectively.

Meetings and  
proceedings  
of Board.

15. Meetings of the Board shall be held and the proceedings thereat shall be conducted in accordance with the rules as to meetings and proceedings contained in the Second Schedule to this Act.

Minutes of  
proceedings  
&c.

16.—(1) A minute of proceedings at a meeting of the Board or of a committee signed at the same or at the next ensuing meeting by any person describing himself as or appearing to be chairman of the meeting at which the minute is signed shall be received in evidence without further proof.

(2) Until the contrary is proved every meeting of the Board or of a committee whereof a minute has been so made shall be deemed to have been duly convened and held and all the members of the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

Vesting of  
existing  
water under-  
taking in  
Board.

17. On and from the date of the first meeting of the Board the existing water undertaking shall by virtue of this Act be transferred to and vested in the Board subject to all debts and liabilities then affecting the same.

Saving for  
contracts  
deeds &c.

18. All agreements awards bonds conveyances contracts covenants deeds leases and other acts and things made executed or done in relation to the existing water undertaking by or with the Heywood Corporation or any person on their behalf respectively and in force at the date of the first meeting of the Board shall continue valid and effectual for all purposes in favour of against or with reference to the Board as may be required in each case.

A.D. 1898.

**19.** The provisions of the scheduled Acts and of any other local Act which at the date of the first meeting of the Board are in force and apply to or affect the existing water undertaking in the hands of the Heywood Corporation shall continue to apply with the substitution of the Board for the Heywood Corporation Provided that if and so long as the water rates and charges shall in pursuance of section 18 of the Heywood Corporation Act 1883 be increased beyond the scale of rates and charges set out in that section the Heywood Corporation shall pay to the Board the sum which under the same section is chargeable upon the general district rate of the borough of Heywood and the sum so payable shall form part of the water revenue of the Board.

Application  
 of provisions  
 of scheduled  
 Acts.

**20.** All actions arbitrations prosecutions or other proceedings or cause of proceeding pending or existing at the date of the first meeting of the Board by with or against or in favour of the Heywood Corporation in relation to the existing water undertaking may be continued or enforced and carried on by with against or in favour of the Board as may be required in each case.

Actions &c.  
 not to abate.

**21.** All byelaws rules and regulations in force at the date of the first meeting of the Board and relating to the existing water undertaking shall continue in force until byelaws rules and regulations are made by the Board under the provisions of this Act or the scheduled Acts and thereupon the existing byelaws rules and regulations shall be repealed.

Byelaws &c.  
 to continue  
 in force  
 until  
 repealed or  
 altered.

**22.** All books and documents which if this Act had not passed would have been receivable in evidence shall be receivable in evidence as if this Act had not passed.

Books &c. to  
 be receivable  
 in evidence.

**23.** All annuities and all mortgages stock or other securities for money borrowed for the purposes of the water undertaking which at the date of the first meeting of the Board are charged (whether exclusively or otherwise) on the water undertaking or the revenue thereof shall continue to be charged on the said undertaking or the revenue thereof as the case may be to the like extent and with the like priorities as if this Act had not been passed and the Heywood Corporation shall continue to pay such annuities and the interest or dividends on such mortgages stock or other securities and shall repay or make provision for the repayment of the moneys borrowed as aforesaid and secured thereby to the like extent and in like manner as if this Act had not been passed subject nevertheless to the following provisions:—

As to  
 charges on  
 water under-  
 taking.

- (1) So long as the Heywood Corporation are liable to pay any such annuities or interest or dividends or to repay or make provision for the repayment of any such moneys as aforesaid.

A.D. 1898.

the Board shall out of the revenue of the water undertaking supply the Heywood Corporation with the necessary funds for those purposes at such times as may be necessary and convenient for enabling the Heywood Corporation to fulfil their obligations in that behalf having regard to the provisions of section 22 of the Heywood Corporation Act 1883 Particulars of the annuities and of the securities for moneys borrowed by the Heywood Corporation for the purpose of the water undertaking and outstanding on the thirty-first day of March one thousand eight hundred and ninety-eight are set forth in the Third Schedule to this Act :

- (2) In the event of the revenue of the water undertaking proving at any time insufficient to provide such funds or to meet any other payments chargeable to revenue the deficiency shall be made up out of the district fund of the borough of Heywood and the consolidated rate of the borough of Middleton in the proportions of their respective rateable values according to the county rate basis or valuation for the time being in force and the Board may issue to the corporation of each borough a precept requiring them respectively to levy and pay the requisite sums accordingly :
- (3) Thereupon it shall be the duty of each corporation to comply with the precept by levying and collecting such sums respectively together with and as part of their general district rate and consolidated rate respectively and each corporation shall have and exercise all powers necessary for that purpose :
- (4) The Board shall notwithstanding anything in the Heywood Corporation Act 1883 apply any surplus revenue remaining after the fulfilment of the several purposes therein and in this Act mentioned in paying and making good to the Heywood Corporation the sum of twenty-five thousand pounds expended by the said corporation in making good the deficiencies in the revenue of the undertaking since the year one thousand eight hundred and seventy-seven and the moneys so payable to the Heywood Corporation shall as and when received be carried to the credit of their district fund and applied in aid of their general district rate The Board shall not without the consent of the Heywood Corporation make any reduction in the price of water unless and until they shall have paid and made good the said sum of twenty-five thousand pounds to the Heywood Corporation.

Appoint-  
ment of  
officers.

24. The Board shall as far as practicable continue all existing officers and servants employed in connexion with the existing water



undertaking in their several offices and employment but subject to such power of removal as they would have been subject to if this Act had not passed and at the same salaries or remuneration. A.D. 1898.

Subject as aforesaid the Board may appoint and may remunerate a clerk and such other officers and servants as they think requisite and all officers and servants so appointed shall be removable by the Board at their pleasure. No member of the Board or of the councils of the boroughs of Heywood and Middleton shall be an officer of the Board but the same person may be and continue an officer of the Board and of either of the said councils.

**25.** The Board shall have and may exercise all the powers rights and privileges exerciseable by or attached to the Heywood Corporation under the scheduled Acts or otherwise in respect of the water undertaking and the Board shall also within their limits of supply have and may exercise all the powers rights and privileges of an urban district council with respect to the construction and maintenance of waterworks and the supply of water. General powers of Board.

**26.** Section 176 (Regulations as to purchase of land) and section 303 (Power to repeal and alter local Acts) of the Public Health Act 1875 shall extend and apply to and may be put in force by the Board as if they were a local authority within the meaning of those sections and the Local Government Board may make such orders as they are by those sections empowered to make on the petition or application of a local authority. Extension of sections 176 and 303 of Public Health Act 1875 to Board.

*Extension of Time for Execution of Works.*

**27.** The period limited by the Heywood Waterworks Act 1877 and extended by the Heywood Corporation Act 1889 for the construction and completion of the Reservoir No. 1 authorised by the first-mentioned Act and the catchwater drain conduit works and conveniences connected with the said reservoir and described or referred to in section 4 of that Act is by this Act extended and those waterworks may be constructed and completed within seven years from the passing of this Act and on the expiration of that period the powers for making those waterworks or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Extension of time for construction of waterworks.

Part II. (Extension of time) of the Railways Clauses Act 1863 is hereby incorporated with this Act and shall for the purposes of this Act be read and have effect as if the expression "railway and

A.D. 1898. works" included the said reservoir catchwater drain conduit works and conveniences and as if the expression "company" included the Board.

*Lands and Provisions for Prevention of Pollution.*

Power to purchase and hold lands and exercise powers for protection of waters and waterworks.

**28.** For the purpose of protecting their waters and waterworks against pollution nuisance encroachment or injury the Board may by agreement purchase take on lease and acquire any lands in the areas within which any streams or waters which the Board are authorised to impound or take flow or arise (which areas are in this Act referred to as "the drainage areas") and may hold such lands and any other lands which may have been acquired for the purposes of the water undertaking within the drainage areas prior to the passing of this Act so long as they shall deem it necessary or expedient for the purposes aforesaid Provided that the lands to be acquired under this section together with the lands already acquired within the drainage areas shall not exceed six hundred acres And provided further that the Board shall not use such lands for any buildings except offices and dwellings for persons in their employ and such buildings and works as may be connected with their waterworks or authorised by this section.

The Board may in and upon the lands which they have acquired or may acquire within the drainage areas construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Board are empowered to impound or take in the drainage areas from being polluted fouled contaminated or discoloured.

Byelaws for securing purity of water.

**29.—(1)** The Board may make byelaws for securing the purity of the water which they are authorised to impound or take for the purposes of any of their waterworks and may by such byelaws prescribe the construction maintenance and use of proper sanitary conveniences and make provision for the prevention of nuisances and the prevention or regulation of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall be in force within the drainage areas or within so much of those areas as may be defined in the byelaws.

(3) The provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates exclusively to byelaws of a rural sanitary

authority) shall apply to byelaws made by the Board under this section : A.D. 1898.

Provided that one month at least before submitting any such byelaws to the Local Government Board for confirmation a copy thereof or of the draft byelaws shall be furnished to the district council of every district comprising any part of the area within which it is proposed that the byelaws shall be in force and every such district council shall be entitled to lay before the Local Government Board any observations or objections respecting the same.

(4) The Board shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section who shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled by two justices in accordance with the provisions of the Lands Clauses Acts as in the case of claims for compensation under section 22 of the Lands Clauses Consolidation Act 1845.

**30.** The Board may sell and dispose of any lands acquired by them for or in connexion with their water undertaking and not for the time being required for that purpose and on selling any such lands may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit. Reservation of water rights &c. on sale.

**31.** The Board may grant leases of any of the lands in the drainage areas for the time being belonging to them or any right or interest in or over such lands for such terms and at such rents and subject to such covenants and conditions as they may think fit but such leases shall contain such covenants as the Board deem necessary or expedient for the prevention or regulation of any act or thing tending to the pollution of any waters which the Board are authorised to impound or take within the drainage areas or tending to the injury of the waterworks of the Board in those areas and every such lease shall contain a proviso for re-entry in case of non-payment of rent or breach of any of the lessees covenants. Lease of lands in drainage areas.

**32.** The Board may enter into and carry into effect agreements with the owners of and other persons interested in any lands within the drainage areas with reference to the draining of such Agreements with land-owners as to drainage.

A.D. 1998. — lands or for more effectually collecting conveying and preserving the purity of the water arising or flowing thereon.

Restriction on taking houses of labouring class.

**33.**—(1) The Board shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) For the purposes of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

#### *Water Supply.*

Power to lay pipes in streets not dedicated to public use.

**34.** The Board may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing such supply.

Application of provisions of Public Health Acts as to waterworks.

**35.**—(1) The Board may for the purposes of their water undertaking construct lay down erect and maintain such conduits mains pipes culverts sluices wells tanks cisterns engines machinery buildings works and conveniences as they may from time to time deem necessary.

(2) The Board shall in carrying out the provisions of subsection (1) of this section have the powers of a local authority under section 54 of the Public Health Act 1875 in respect to the carrying of water mains within and without their district and for the purposes of that section the limits of supply of the Board shall be deemed to be the district of the Board.

(3) In the exercise of the powers of this section the Board shall be subject to the provisions so far as they are applicable of the Public Health Acts in the same manner and to the same extent as if such powers were conferred by those Acts.

**36.** In cases in which the Board supply water by measure the following provisions shall have effect :—

Provisions  
where  
supply is by  
measure.

(1) Before any person connects or disconnects any meter by means of which any of the water of the Board is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Board of his intention to do so and no person shall connect or disconnect any such meter or execute any alterations and repairs thereof except under the superintendence of an officer of or person appointed by the Board Any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings :

(2) Every consumer of water of the Board shall at all times at his own expense keep all meters belonging to him whereby any water of the Board is registered in proper order for correctly registering such water in default whereof the Board may cease to supply water through such meter and the Board shall at all reasonable times have access to and be at liberty to take off remove test inspect and replace any such meter and the expense of such taking off removal testing inspecting and replacing shall be borne by the Board if the meter be found to be in proper order but in other cases such expense shall be borne by the consumer and shall be recoverable from him by the Board :

(3) The register of any meter shall be primâ facie evidence of the quantity of water consumed by any customer of the Board in respect of which any water rate or rent is charged and sought to be recovered by the Board.

**37.—**(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Board or who fraudulently alters the index to any meter or other instrument for measuring water or fraudulently prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Board shall (without prejudice to any other right or remedy for the protection of the Board or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the Board may in addition thereto recover the amount of any damage by them sustained and the Board may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or instrument

Fraudulently  
injuring  
meters &c.

A.D. 1898. of the quantity of water supplied by means thereof and the expenses so incurred by the Board shall be repaid to them by the offender.

(2) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Board when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been wilfully and fraudulently caused by the consumer using such pipe meter instrument or fittings.

Misuser where supply to several houses by a pipe common to all.

38. Any tenant or occupier of one or part of one of several houses or tenements supplied by a common pipe who takes or uses the water laid on by the Board to any other such house or tenement or allows the same to be taken or used contrary to the provisions of this Act shall for every such offence be liable to a penalty not exceeding five pounds.

*Financial and miscellaneous Provisions.*

Power to borrow.

39.—(1) The Board may from time to time borrow at interest money for the following purposes (that is to say):—

- (A) For the execution of the works authorised by the Heywood Waterworks Act 1877 and not yet made the sum of fifty-five thousand pounds;
- (B) For strengthening the embankment of the Nayden higher reservoir the sum of ten thousand pounds;
- (C) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose.

(2) And the Board may with the consent of the Local Government Board borrow such further moneys as may be necessary for the purchase of land within the drainage areas or otherwise for waterworks purposes.

(3) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Board may mortgage or charge the revenue of their water undertaking and all rates and moneys which they are authorised to levy raise or collect or cause to be levied raised or collected within the boroughs of Heywood and Middleton or either of them.

Mode of raising money.

40. The Board may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and

partly in another or others and for the purposes of such issue the Board shall be deemed to be a local authority within the meaning of that Act and the revenue of the water undertaking and all rates and moneys which they are authorised to levy raise or collect or cause to be levied raised or collected shall be deemed to be the local rate as defined by the said Act. Provided that the provisions contained in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act. A.D. 1898.

41. Sections 236 to 238 of the Public Health Act 1875 (as to the form register and transfer of mortgages) shall extend and apply to mortgages granted under this Act. Provisions of Public Health Act as to mortgages to apply.

42. The Board shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):— Periods for repayment of money borrowed.

As to moneys borrowed for the purpose (A) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within sixty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purpose (B) in the said section mentioned within forty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the purpose (C) in the said section mentioned within ten years from the date or dates of borrowing of the same;

As to moneys borrowed with the consent of the Local Government Board within such period as they may think fit to sanction.

43. The Board shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of these methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the time of borrowing the sum in respect of which the payment is made. Mode of payment off of money borrowed.

44.—(1) If the Board determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained either— Sinking fund.

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A

A.D. 1898.

sinking fund so formed is herein-after called a non-accumulating sinking fund ; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority as defined by section 34 of the Local Loans Act 1875 other than the Board the Board being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Board towards the equal annual payments to the fund.

(4) The Board may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Board shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Board :

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.



(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Board in addition to the payments provided for by this Act.

(7) If it appears to the Board at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Board to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided always that if it appears to the Local Government Board that any such increase is necessary the Board shall increase the payments to such extent as the Board may direct.

(8) If the Board desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Board may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Board may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Board with the consent of the Local Government Board may determine.

A.D. 1898.

Protection of  
lender from  
inquiry.

45. A person lending money to the Board under this Act shall not be bound to inquire as to the observance by the Board of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Board not  
to regard  
trusts.

46. The Board shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Board shall be sufficient discharge to the Board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Board have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Appoint-  
ment of  
receiver.

47. The mortgagees of the Board by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole. The application for the appointment of a receiver shall be made to the High Court.

Power to  
re-borrow.

48. If the Board pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may re-borrow the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Board with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Annual  
return to  
Local  
Government  
Board.

49.—(1) The treasurer to the Board shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory

A.D. 1898.

declaration showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment of the sum accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the treasurer shall be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

(2) If it appear to the Local Government Board by that return or otherwise that the Board have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required by this Act for any sinking fund or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

50. All moneys borrowed by the Board under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Application  
of money  
borrowed.

51. The proceeds of the sale of any lands of the Board shall be distinguished as capital in the accounts of the Board and shall be applied in discharge of any moneys borrowed by the Board or to any purpose for which they are by this Act authorised to borrow money but shall not be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board and borrowed money discharged by the application of such proceeds shall not be re-borrowed.

Proceeds of  
sale of  
surplus  
lands.

52. The accounts of the receipts and expenditure of the Board shall be made up to the end of each financial year ending on the

Accounts of  
Board.

[Ch. ccxl.] *Heywood Waterworks (Transfer)* [61 & 62 VICT.]  
Act, 1898.

A.D. 1898. — thirty-first day of March and shall be in such form as may be prescribed or approved by the Local Government Board.

Audit of  
accounts of  
Board.

**53.** The accounts of the Board shall be audited by two of the elective auditors of the boroughs of Heywood and Middleton one to be chosen annually by the council of the borough of Heywood and the other by the council of the borough of Middleton and such accounts shall (so far as the circumstances will admit) be audited examined and published in like manner as accounts of Corporations are audited examined and published under the Municipal Corporations Act 1882.

Board may  
issue stock.

**54.** The Board shall be deemed to be an urban authority within the meaning of Part V. of the Public Health Acts Amendment Act 1890 and to have adopted that part of the Act and the Board may exercise their borrowing powers by the creation and issue of stock in the manner by that Act provided and subject to the provisions therein contained.

Power for  
Board to  
re-borrow in  
respect of  
existing  
loans.

**55.** If the Heywood Corporation are required to pay off any moneys borrowed for waterworks purposes the Board shall borrow the money so required and shall supply the Heywood Corporation with the necessary funds for that purpose and the provisions of this Act relating to the borrowing of money and the mode of payment off of borrowed money shall apply to all moneys borrowed by the Board under this section but the moneys so borrowed shall be repaid within the period prescribed for the repayment of the original loan of the Heywood Corporation All moneys standing to the credit of any sinking fund formed by the Heywood Corporation for the repayment of the moneys to be paid off and re-borrowed as aforesaid shall be transferred to the Board and carried to the credit of the sinking fund to be formed for the purpose of paying off the moneys re-borrowed under this section.

Inquiries  
by Local  
Government  
Board.

**56.**—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Board shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be

fixed by that Board not exceeding three guineas a day for the services of such inspector. A.D. 1898.

**57.** Offences against this Act and penalties forfeitures costs and expenses imposed or recoverable by or under this Act may be prosecuted and recovered in a summary manner. Recovery  
and applica-  
tion of  
penalties &c.

**58.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall in the first instance be paid by the Heywood Corporation and the Middleton Corporation in equal shares out of any moneys or rates in their hands but shall be repaid to those corporations by the Board out of the moneys to be borrowed by them under the powers of this Act. Costs of Act.

A.D. 1898.

SCHEDULES referred to in the foregoing Act.

---

FIRST SCHEDULE.

---

*Scheduled Acts.*

- The Heywood Waterworks Amendment Act 1855.
  - The Heywood Improvement Act 1867.
  - The Heywood Waterworks Act 1877.
  - The Heywood Corporation Act 1883.
  - The Heywood Corporation Act 1889.
  - The Order relating to the borough of Heywood confirmed by the Local Government Board's Provisional Orders Confirmation (No. 11) Act 1888.
- 

SECOND SCHEDULE.

---

*Meetings and Proceedings of Board.*

Annual and other meetings of the Board.

1. The annual meetings of the Board shall be held on the third Wednesday in the month of October in every year at such time and place as shall be appointed by the Board and all other meetings of the Board shall be held on such days at such times and at such places as the Board may from time to time appoint.

Summoning meetings.

2. The chairman may at any time call a meeting. If the chairman refuses to call a meeting after a requisition for that purpose signed by four members of the Board has been presented to him any four members of the Board may forthwith on that refusal call a meeting. If the chairman (without so refusing) does not within seven days after such presentation call a meeting any four members of the Board may on the expiration of those seven days call a meeting.

Notice of meetings.

3. Three clear days at least before any meeting of the Board a summons to attend the meeting specifying the business proposed to be transacted thereat and signed by the chairman or clerk of the Board shall be left or delivered by post at the usual place of abode of every member of the Board. Want of service of the summons on any member of the Board shall not affect the validity of a meeting.

A.D. 1898.

4. To constitute a meeting of the Board there must be at least five members present. Quorum.

5. The chairman of the Board or in his absence the vice-chairman of the Board shall be the chairman at every meeting. If neither of them is present at the time appointed for the meeting the members then present shall choose another of the members to be chairman of that meeting. Chairman of meetings.

6. All acts of the Board and all questions coming or arising before the Board may be done and decided by the majority of such members of the Board as are present and vote at a meeting held in pursuance of this Act. Decision of questions at meetings.

In case of equality of votes the chairman of the meeting shall have a second or casting vote.

7. Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose and shall be signed by the chairman of the meeting or of the next ensuing meeting. Minutes.

Subject to the foregoing provisions of this schedule the Board may from time to time make standing orders for the regulation of their proceedings and business and vary or revoke the same.

A.D. 1898.

## THIRD SCHEDULE.

*Borrowing Powers and Indebtedness in respect of Water Undertaking.*

Acts of Parliament and Sanctions.	Purposes.	Amounts authorised to be borrowed.	Period allowed for Repayment.	Amounts borrowed.	Amounts repaid by Means of Sinking Fund.	Indebtedness 31st March 1898.			Total.	Amounts in Sinking Fund or Loans Fund.	Net Indebtedness 31st March 1898.
						Mortgages.	Redeemable Stock.	Annuities.			
Heywood Improvement Act 1867.	£3,604 11s. annuities capitalised at 3½ years' purchase.	£ 120,151 13 4	80 years from year 1868.	£ 120,151 13 4	£ 533 6 8	—	—	—	£ 119,618 6 8	£ 116,619 8 7	
Heywood Improvement Act 1867 and Heywood Corporation Act 1883.	£4,739 1s. annuities capitalised and converted into stock.	£ 157,968 6 8	60 years	£ 157,802 10 0	—	157,802 10 0	—	—	—	£ 152,715 7 9	
Heywood Water Acts 1867 and 1877.	Mortgages	£ 104,933 0 0	60 years	£ 104,933 0 0	12,290 0 0	—	92,643 0 0	—	—	£ 92,456 0 10	
Heywood Corporation Act 1883.	Mortgages	£ 45,000 0 0	60 years	£ 45,000 0 0	2,620 0 0	—	42,380 0 0	—	—	£ 42,291 12 7	
Heywood Corporation Act 1889.	Mortgages	£ 25,000 0 0	60 years	£ 24,559 0 0	1,090 0 0	—	23,469 0 0	—	—	£ 23,414 8 7	
Heywood Corporation Act 1889.	Mortgages 1889 (cost of Act).	£ 700 0 0	10 years	£ 700 0 0	100 0 0	—	600 0 0	—	—	£ 174 11 1	
Local Government Board's Sanction 1897.	Mortgages	£ 35,000 0 0	30 years	£ 35,000 0 0	—	—	35,000 0 0	—	—	£ 35,000 0 0	
Total . . .	—	£ 488,753 0 0	—	£ 488,146 3 4	16,633 6 8	157,802 10 0	194,092 0 0	119,618 6 8	8,841 7 3	£ 462,671 9 5	

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from  
 EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
 JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and  
 90, WEST NILE STREET, GLASGOW; or  
 HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.